

REMARKS/ARGUMENTS

Claims 1-17 and 19-34 are pending. Claims 1, 20, 24, and 27-30 are amended.

The amendments are supported by the application as filed, for example in paragraphs [0044]-[0045] and [0023]-[0026] of the specification. No new matter has been added.

Rejections under 35 U.S.C. § 103

Claims 1-4, 7-13, 15, 17, 19-34 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells et al., U.S. Pat. No. 6,488,585 (hereinafter “Wells”), Simon et al., U.S. Patent Pub. No. 2003/0087652 (hereinafter “Simon”), and Baldwin, U.S. Pat. No. 6,732,195 (hereinafter “Baldwin”). Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells, Simon, Baldwin, and Itkis, U.S. Pat. No. 4,856,787 (hereinafter “Itkis”). Claims 14 and 16 were rejected under 35 U.S.C. § 103(a) as obvious in view of Wells, Simon, Baldwin, and Jorasch et al., U.S. 6,379,248 (hereinafter “Jorasch”).

These rejections are respectfully traversed, at least in part. However, all of the independent claims have been amended to expedite the prosecution of this matter. It is respectfully submitted that the pending claims are not obvious over the art relied upon for at least the following reasons.

Claim 1 defines a communications and data transfer system for gaming establishments having a plurality of gaming machines arranged in a configuration. Claim 1 has been amended to recite, in part:

wherein said transponder is further operable to: make a prediction regarding performance of at least one new game to replace a current game of said one or more gaming machines, and display the prediction regarding the performance of the at least one new game on said one or more gaming machines, **said performance comprising a ratio of coin-in to a unit of time.**

(Emphasis added).

Each of the independent claims has been amended to recite certain features similar to those of claim 1. Claims 27 has been amended to clarify that the performance comprises “a ratio of coin-in to a unit of time.” Claims 20 and 28 have been amended to clarify that the prediction is regarding “performance of at least one new wager-based game to replace a current wager-

based game of said selected gaming machine.” Claims 24 and 29 have been amended to clarify that the performance relates to the “financial profitability of the gaming machine.”

These amendments are supported by various parts of the application as filed. For example, ¶¶ [0040]-[0045] describe using a PDA for the acquisition of performance data, making performance predictions for a new game on a gaming machine, etc. Paragraph [0045] specifically mentions the metric of “coin-in/time.”

As understood, the foregoing claim recitations are not taught by the art relied upon. The Office Action states:

Simon et al teaches wherein a transponder / *portable communication device capable of communication* is further operable and capable of making a prediction regarding performance of a game (see pars.[0074] and [0075]).

(Page 3, lines 9-11).

However, it is respectfully submitted that Simon does not teach making the recited performance predictions. Simon relates generally to techniques for “creating affinity groups of portable communication device users, and distributing targeted content to said users.” (Abstract). According to Simon, affinity groups are groups of users with “similar or matching user characteristics or interests.” (¶ [0001]). Grouping users together in this way may allow, for example, handheld game players having similar skill levels to play against one another. (¶ [0003]).

Placing users in affinity groups based on similarity between the users, as discussed in Simon, (¶ [0001]) is different than making a prediction of performance that relates to profitability or coin-in of a game on a gaming machine, as recited in the claims. The affinity groups discussed in Simon seem to be determined on the basis of improving player enjoyment of handheld games, such as those played on a Game Boy (¶ [0005]-[0006]), not the profitability of wager-based games (e.g., for a casino). Indeed, Simon makes no mention of any wager-based games at all. Nowhere does Simon disclose or suggest that the affinity groups are determined on the basis of coin-in, financial profitability, or the performance of wager-based gaming machines.

Further, the passages of Simon cited in the Office Action seem to relate to predicting the technical performance of a game, not the financial performance. For example, Simon states:

“Preferably, the portable communications device includes a 32 bit processor and is game predictive performance-capable to minimize high-latency impact.” (§ [0074]). Simon provides no details as to what is meant by “game predictive performance-capable” or what such a feature entails. However, the references to the 32 bit processor and minimizing latency suggest that the performance referred to in the cited passages relates to the technical performance of a game on a handheld device, for example to ensure that game play does not slow down. In any event, nowhere does Simon disclose or suggest that the “game predictive performance-capable” portable communications device relates to any measure of financial performance, the performance of a wager-based game, or coin-in, as recited in the independent claims as amended.

Therefore, Simon fails to disclose or suggest the above-quoted features recited in claim 1 related to making a prediction of performance. No other reference is cited in the Office Action as disclosing or suggesting making a prediction of performance. Thus, it is respectfully submitted that the above-quoted portion of claim 1 is not disclosed or suggested by any of the cited references, considered alone or in combination. Therefore, claim 1 is not obvious in view of the cited references.

As discussed herein, independent claims 20, 24, and 27-29 have each been amended to recite features related to predicting performance that are similar to those recited in claim 1. Thus, it is respectfully submitted that claims 20, 24, and 27-29 are not obvious for at least the same reasons as claim 1.

The dependent claims include, by virtue of their dependency, the features of the independent claims on which they are based and, therefore, are not obvious for at least the same reasons.

Therefore, it is respectfully submitted that the rejections to all pending claims should be withdrawn.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees, including any extension fees, which may be required or credit any overpayment directly to the account of the undersigned, No. 50-4480 (Order No. IGT1P145).

Respectfully submitted,
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